

MINUTES  
ZONING BOARD OF APPEALS  
APRIL 25, 2012 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Grady, Kravits, Manning, Russotto, Stebbins  
Excused: Mencer  
Staff: Cullen, Gilot

Chairman Stebbins called the meeting to order at 7:05 p.m. and reviewed the public hearing procedures.

II. PUBLIC HEARINGS

1. ZBA#12-02 – 350 Long Hill Road, TLC East LLC/Owner, Pride Signs Ltd, /Applicant; for a variance to Section 7.3-7 to allow 12 wall signs in lieu of 4; for a variance to Section 7.3-7 to allow 311 square feet of wall signs in lieu of 173 square feet. PIN 168920910766, OMF zone

Secretary Manning read the legal notice and stated that the mailings were in order. The public hearing was opened on March 25, 2012.

Richard Rizzo, the applicant's representative, and Rick Gagliardi, 2B West Street, East Hampton, of Applebee's, presented the application for additional awning signage.

Mr. Rizzo submitted artist renderings showing the existing signage, and the proposed channel-levered aluminum awnings with new apple logo graphics. The existing "Neighborhood Bar and Grill" signs on the building would be removed. The signs would be externally illuminated. Mr. Rizzo asked the Board to consider these as replacement of the awnings, rather than signage. Discussion ensued on the awnings not having graphics and what hardship, if any, would be incurred.

Staff detailed the existing variance granted in 1999 for additional signage. Staff explained that plain awnings without logo, just color, would not require a variance.

The Chairman asked for comments from the public and there were none.

Secretary Manning read the Planning Commission's negative referral.

Staff explained they still would have up to the previously varied 173 s.f. to fill those awning signs. Two variances have been requested; one for square footage, and another for the number of signs. Staff said that the requests are specific, but the variance is only for the square footage of the actual sign and not the whole awning, so the arrangements could be changed from the proposed awnings. The Board asked the applicant what the specific hardship might be, other than the frontage on two streets.

The public hearing was closed at 7:53.

2. ZBA#12-04 – 52 Pearl Street, Steven Young/Owner; for a variance to Section 5.2 for a side yard setback to allow 10 feet in lieu of 12 feet and for a variance to Section 5.2 for lot coverage to allow 22% in lieu of 20%. PIN 261914424737, RS-12 zone

Secretary Manning read the legal notice and stated that the mailings were in order.

Steven Young and Caroline Young, 52 Pearl Street, presented their request. Mr. Young described their house built in 1856. An existing sunroom was varied in 1992. They are requesting 10.5 feet in lieu of 12 feet and 21.58% lot coverage in lieu of 20%. Mr. Young stated that his hardship is that the lot is only 10,890 square feet, and predates zoning. If the land were subdivided to the size required by today's zoning regulations, they would not have to request the variance. An existing front porch is 263 square feet of non-living area but is included in the lot coverage, and is an integral part of the design of the house, located in the Historic District. A Certificate of Appropriateness was granted by the Historic District commission for the proposed addition. Mr. Young presented several exhibits. Mr. Young stated that the addition would be a 1.75 ft. side yard encroachment. Mr. Young presented a petition in favor of the application signed by several of the neighbors.

Mr. Young also showed a site plan showing the existing conditions and the proposed addition. An existing barn at the rear of the property also counts toward the lot coverage. The Historic District Commission was concerned with the potential loss of the outbuilding.

Chairman Stebbins asked for comments in favor of the application.

Craig Bush, 54 Pearl Street, spoke in favor of the application.

Joe and Cindy Callahan, 11 Park Street, spoke in favor of the application.

Paul Finnegan, 53 Pearl Street, spoke in favor of the application.

Attorney Tom Collier, O'Brien, Stuart, Eppinger and Collier, 9 Mason's Island Road, represented the owners of 50 Pearl Street, Robert and Mary Mayer. Mr. Collier submitted into the record several maps and handouts relative to Town zoning regulations and general state statute requirements for hardships.

Mr. Collier cited several cases, as well as the Town zoning regulations with regard to the requirements for a hardship.

Manning asked if Mr. Collier was against both variance requests. Mr. Collier stated that his clients are opposed to the scale of the house with the proposed addition.

Manning read into the record the list of neighbors from the petition in favor of the application.

The Planning Commission had no comment on the referral.

The Board discussed the previous variance granted in 1992 and whether that application would be relevant or helpful. Staff presented the decision of the previous variance.

Mr. Young said the Mayers have no view easement, and maintaining their views was considered in his design of the addition. Mr. Young presented a view exhibit to the Board.

The public hearing was closed at 9:10 p.m.

III. MEETING FOLLOWING PUBLIC HEARINGS

1) Decisions on Public Hearing Applications

ZBA#12-02 – 350 Long Hill Road, TLC East LLC/Owner, Pride Signs Ltd, Applicant

The Board did not find a hardship existed, other than the frontage on two streets. A variance for additional signage had previously been granted when the restaurant opened. The Board felt there were other options available to the applicant that would not require a variance.

MOTION: To grant the variance as requested.

Motion made by Russotto, seconded by Grady. MOTION DENIED UNANIMOUSLY.

ZBA#12-04 – 52 Pearl Street, Steven Young/Owner

Motion to table the discussion to the next regular meeting on May 9, 2012 was made by Grady and seconded by Manning. MOTION PASSED 4 – 1, 1 opposed (Russotto).

2) Correspondence – None

3) Minutes – Meeting of April 11, 2012

MOTION: To approve the minutes of April 11, 2012 as presented.

Motion made by Grady seconded by Russotto. MOTION PASSED UNANIMOUSLY.

4) New Business

a) New Applications - None

5) Report of Staff

Staff reminded the Board members to advise staff if they would like to attend the FOIA training offered by CCM on May 17<sup>th</sup>.

IV. ADJOURNMENT

Motion to adjourn at 9:22 p.m. was made by Grady, seconded by Manning, so voted unanimously.

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Tom Manning, Secretary  
Zoning Board of Appeals

Prepared by Debra Gilot, Office Assistant III